HON'BLE SRI JUSTSICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 25945 of 2007

06.12.2007

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Between:

Atluri Kesavardhanamma & others

… Petitioners

AND

The District Collector, Krishna at Machilipatnam
& another

… Respondents

Counsel for the petitioners : Sri Y. Ramatirtha

Counsel for the respondents : Assistant Government Pleader for Land Acquisition.

O R D E R:

This writ petition is filed for a writ of mandamus to declare the notification dated 01.11.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') as illegal.

Heard Sri Y. Ramatirtha, learned counsel for the petitioners. The learned counsel submitted that though in response to notice dated 08.11.2007 issued under Section 5-A of the Act, the petitioners filed their objections on 17.11.2007, respondent No.2 has not conducted enquiry which was scheduled to be held on 19.11.2007. Learned counsel for the petitioners further submitted that on the scheduled date of enquiry i.e. 19.11.2007, his clients attended the office of respondent No.2, but the latter was not available in his office. He, therefore,

submitted that respondent No.2, without following due procedure prescribed under law and without affording the opportunity of personal hearing to the petitioners, is likely to send his report to respondent No.1.

Having regard to the plea raised by the petitioners and the contention advanced by the learned counsel on the opportunity of hearing not being afforded to the petitioners, I deem it proper to dispose of the writ petition with the following directions:

1) Respondent No.2 shall fix a date for hearing of the petitioners in person.

2) The petitioners, on receipt of notices, shall appear before respondent No.2 and put forth their objections.

3) After hearing the objections of the petitioners, respondent No.2 is free to proceed further in accordance with the provisions of the Act.

Ordered accordingly.

As a sequel to disposal of the writ petition, W.P.M.P.No. 33821 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

06.12.2007
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